

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	COURT CASE NO. FSB1103660
)	
Plaintiff)	THIRD AMENDED
)	
vs.)	FELONY COMPLAINT
)	
Terence Anthony Giberson)	
)	
Defendant)	DA CASE NO. 2011-00-0040954
)	

The undersigned is informed and believes that:

COUNT 1

On or about August 8, 2011, in the above named judicial district, the crime of KIDNAPPING TO COMMIT ANOTHER CRIME, in violation of PENAL CODE SECTION 209(b)(1), a felony, was committed by Terence Anthony Giberson, who did unlawfully kidnap and carry away Jane Doe to commit a violation of 288.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Terence Anthony Giberson is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Terence Anthony Giberson has a prior serious or violent felony conviction;

defendant(s) Terence Anthony Giberson is required to register as a sex offender pursuant to Penal Code section 290;

defendant(s) Terence Anthony Giberson has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 2

On or about August 8, 2011, in the above named judicial district, the crime of ORAL COPULATION/SEXUAL PENETRATION WITH A CHILD UNDER 10, in violation of PENAL CODE SECTION 288.7(b), a felony, was committed by Terence Anthony Giberson, who being a person 18 years of age and older, did engage in oral copulation and sexual penetration, as defined in Penal Code Section 289, with Jane Doe, a child who was 10 years of age and younger.

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Terence Anthony Giberson is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Terence Anthony Giberson has a prior serious or violent felony conviction;

defendant(s) Terence Anthony Giberson is required to register as a sex offender pursuant to Penal Code section 290;

defendant(s) Terence Anthony Giberson has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 3

On or about August 8, 2011, in the above named judicial district, the crime of ORAL COPULATION/SEXUAL PENETRATION WITH A CHILD UNDER 10, in violation of PENAL CODE SECTION 288.7(b), a felony, was committed by Terence Anthony Giberson, who being a person 18 years of age and older, did engage in oral copulation and sexual penetration, as defined in Penal Code Section 289, with Jane Doe, a child who was 10 years of age and younger.

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Terence Anthony Giberson is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Terence Anthony Giberson has a prior serious or violent felony conviction;

defendant(s) Terence Anthony Giberson is required to register as a sex offender pursuant to Penal Code section 290;

defendant(s) Terence Anthony Giberson has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 4

On or about August 8, 2011, in the above named judicial district, the crime of FORCIBLE LEWD ACT UPON CHILD, in violation of PENAL CODE SECTION 288(b)(1), a felony, was committed by Terence Anthony Giberson, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

It is further alleged, as to count(s) 4, 5 within the meaning of Penal Code sections 667.61(j)(2) and (e), that the victim in the above offense was a child under 14 years of age and that the following circumstance applies :the defendant kidnapped the victim in violation of section 209.

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Terence Anthony Giberson is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Terence Anthony Giberson has a prior serious or violent felony conviction;

defendant(s) Terence Anthony Giberson is required to register as a sex offender pursuant to Penal Code section 290;

defendant(s) Terence Anthony Giberson has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 5

On or about August 8, 2011, in the above named judicial district, the crime of FORCIBLE LEWD ACT UPON CHILD, in violation of PENAL CODE SECTION 288(b)(1), a felony, was committed by Terence Anthony Giberson, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

It is further alleged, as to count(s) 4, 5 within the meaning of Penal Code sections 667.61(j)(2) and (e), that the victim in the above offense was a child under 14 years of age and that the following circumstance applies :the defendant kidnapped the victim in violation of section 209.

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Terence Anthony Giberson is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Terence Anthony Giberson has a prior serious or violent felony conviction;

defendant(s) Terence Anthony Giberson is required to register as a sex offender pursuant to Penal Code section 290;

defendant(s) Terence Anthony Giberson has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 6

On or about August 8, 2011, in the above named judicial district, the crime of POSSESSION OR CONTROL OF CHILD PORNOGRAPHY, in violation of PENAL CODE SECTION 311.11(a), a felony, was committed by Terence Anthony Giberson, who did unlawfully and knowingly possess

and control matter depicting a person under the age of 18 years personally engaging in and simulating sexual conduct as defined in Penal Code Section 311.4(d).

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Terence Anthony Giberson is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Terence Anthony Giberson has a prior serious or violent felony conviction;

defendant(s) Terence Anthony Giberson is required to register as a sex offender pursuant to Penal Code section 290;

defendant(s) Terence Anthony Giberson has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

* * * * *

NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 1054.5.(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 6 COUNT(S).

Executed at San Bernardino, California, on December 27, 2011.

C Gourlay
DECLARANT AND COMPLAINANT

Agency: Redlands Police Department

Prelim Est. 00:00

Defendant
Terence Anthony Giberson

Birth Date
06/22/1959

Booking No.

CII No.

NCIC